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Northern Spotted Owl (NSO) Review Guidelines for Timber Harvesting Plans, Modified Timber Harvesting Plans, Program Timber Harvesting Plans, and Nonindustrial Timber Management Plans

The California Department of Forestry and Fire Protection (CDF) must make preliminary determinations of incidental take avoidance for the federally listed northern spotted owl (*Strix occidentalis caurina*) in order to approve Timber Harvesting Plans, Modified Timber Harvesting Plans, Program Timber Harvesting Plans, and Nonindustrial Timber Management Plans (plans) proposed within the range of the species in California (ref. 14 CCR §§ 898.2, 919.10 and 939.10). In order to make such determinations prior to plan approval and to assure compliance with the disclosure requirements of the Forest Practice Act and California Environmental Quality Act, CDF must ensure all plans located within the range of the northern spotted owl incorporate sufficient information related to the species and its associated habitat and include enforceable protection measures for the species.

The Forest Practice Rules (rules) additionally require plans to conform with the requirements of either: 14 CCR § 919.9 [939.9] subdivision (d), which applies to plans submitted under an approved Habitat Conservation Plan (HCP); subdivision (e), which requires “discussion” with the U.S. Fish and Wildlife Service (USFWS) or technical assistance (TA); or subdivision (g), which requires habitat retention and review by CDF. Use of 14 CCR § 919.9(g) [939.9(g)] requires the inclusion of enforceable language stating that no timber operations shall occur until a valid letter of TA from USFWS has been amended into the plan.

In order for plans submitted without an approved HCP to meet the requirements of the rules referenced above and to assist USFWS in providing TA to timberland owners, CDF and USFWS have developed the information recommended hereunder. The recommended information includes the informational disclosure, habitat and operational protection measures and the need to amend subsequent letters of TA into a plan prior to the commencement of timber operations. Incorporating the information described in this document should allow CDF to approve most plans prior to the issuance of a letter of TA from USFWS. The plan submitter/RPF may also proceed pursuant to the outcome of a discussion with USFWS per 14 CCR § 919.9 [939.9](e) prior to plan approval. In that case, CDF recommends that the THP incorporate information disclosing the process used to determine how take of an individual owl should not occur as a result of the proposed timber operations.

The following recommended information applies to all plans located within the range of the northern spotted owl. Inclusion of the information described in this document is intended to disclose impacts and assist with timely review and approval of

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plans.

The following should be provided upon plan submission in order to conform to these guidelines:

1. Enforceable language stating that no timber harvest operations shall occur until a valid letter of technical assistance has been obtained from USFWS for the proposed project and the technical assistance letter has been amended into the plan.
2. A map showing the northern spotted owl assessment area, which consists of the area within 1.3 miles of the plan boundary and within 0.25 mile of any appurtenant road greater than 1.3 miles from the plan boundary. The map should also show the plan boundary, appurtenant facilities (e.g. helicopter landings, new road construction, etc.) and the location of all known northern spotted owl activity centers within the NSO assessment area. The location of known northern spotted owl activity centers should be obtained from the California Department of Fish and Game NSO database reports and from landowner databases or other applicable sources. (The locations are shown on Report #2 of the DFG NSO database report.)

(Note: Technical Assistance is available from the USFWS as to the viability of activity centers included in the database reports.)

3. Habitat analysis maps for the 0.7- and 1.3-mile radius circles around all known northern spotted owl activity centers (identified in Item 2 above). The habitat analysis maps should be separate from the map identified in Item 2 and should include tables indicating both the acres of suitable pre- and post-harvest nesting/roosting habitat and the acres of suitable pre- and post-harvest foraging habitat within the 0.7- and 1.3-mile radius circles for each known NSO activity center. Classification of habitat should be consistent with the definitions in 14 CCR § 895.1 and should reflect current stand conditions. CDF also requests a description of the method used to type habitat, which demonstrates the linkage between the habitat typing methodology and the definitions in 14 CCR § 895.1. New information on NSO habitat use and home range requirements following plan approval may require a revision of the pre- and post-harvest habitat analysis provided with the plan. An RPF may choose to designate key NSO habitat areas as special treatment areas pursuant to 14 CCR § 895.1.

If the plan proposes operating in significant portions of suitable habitat within known home ranges, or in deficit home ranges, early discussion or consultation with USFWS is encouraged prior to plan submission to assist with pre- and post

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harvest habitat determinations, thereby avoiding potential delays following plan approval.

4. A copy of the most recent Northern Spotted Owl database inquiry and results for the proposed plan, including the date and version utilized.
5. In the absence of an Incidental Take Permit (ITP), protection measures proposed in the plan should be designed to avoid take. CDF recommends inclusion of the following protection measures for avoidance in each plan. These protection measures may be modified to provide equal or greater protection through subsequent technical assistance with USFWS.

Activity Center: means sites identified through surveys acceptable to USFWS resulting in either the presence of nesting, pair status or resident single status. The final determination of an activity center's status and location is at the discretion of USFWS.

Recommended Protection Measures to Avoid Take

In the absence of authorized take under the terms of an approved Habitat Conservation Plan, the following recommended protection measures should be incorporated into the plan to avoid take of NSO:

Recommended Habitat Protection Measures

- (a) The habitat protection zone for NSOs shall consist of the area within 1000 ft. radius of a tree, or trees, containing a nest or supporting an activity center.*
- (b) No timber operations shall occur within a 500 ft. radius of an NSO activity center, and the habitat qualities of functional nesting habitat will be maintained within the area between the 500 ft. radius and 1000 ft. radius of an NSO activity center.*
- (c) A minimum of 500 acres of suitable NSO habitat shall be retained within an area out to 0.7 mile, surrounding a tree, or trees, containing a nest or supporting an activity center. Less than 50% of the retained area may be operated on in any given year, depending on the amount of pre-harvest suitable NSO habitat present within 0.7 mile of the tree, or trees, containing a nest or supporting an activity center.*
- (d) A minimum of 1,336 acres of suitable NSO habitat shall remain post harvest within the area out to 1.3 miles surrounding a tree, or trees, containing a nest*

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or activity center.

Recommended Operational Protection Measures

- (e) The critical period for NSO breeding is between February 1st and August 31st. During this period, no timber operations are permitted within 0.25 mile of a known activity center.*
- (f) Helicopter yarding within 0.5 miles of an NSO activity center is prohibited between February 1st and August 31st.*
- (g) Subsequent technical assistance letters or consultations received from the USFWS for the proposed project shall be amended into the approved plan. No timber operations shall occur until all amendments, whether substantial deviations or minor deviations, have been submitted to the Director and acted upon in accordance with the applicable Forest Practice Rules.*

The Director may consult with USFWS and require that a letter of technical assistance be provided prior to plan approval. Generally, the conditions under which the Director may request pre-approval technical assistance may include, but are not limited to:

1. Situations in which the habitat standards noted above under the Recommended Habitat Protection Measures (b)-(d) in Item 7 are not present prior to harvesting or will not be present post-harvest;
2. When operations are proposed within 1000 feet of an NSO activity center within the critical breeding period; and/or
3. When helicopter operations are proposed within 0.5 miles of an NSO activity center.

In the instance where the Director does require consultation with USFWS, the plan, as necessary, shall be revised to incorporate any additional protection measures recommended in the letter of technical assistance.

Technical assistance for plans proposed within the Coast Forest District may be requested from the Arcata Fish and Wildlife Office, 1655 Heindon Road, Arcata, CA 95521, Phone: (707) 822-7201, Fax: (707) 822-8411.

Technical assistance for plans proposed within Northern Forest District may be requested from the Yreka Fish and Wildlife Office, 1829 South Oregon Street, Yreka, CA 96097, Phone: (530) 842-5763, Fax: (530) 842-4517.